

REMARKS

Claims 1 and 3 through 14 are pending in the present application. Applicant wishes to thank the Examiner for her time and insight provided during the telephonic interview with Applicant's attorneys on March 4, 2003. Pursuant to that interview, claims 1, 13 and 14 have been amended to recite the agreed upon allowable subject matter of claim 9. Claims 4 and 9 have been amended, accordingly, as well. Details of the claim amendments are reflected in the attachment titled "Detailed Amendments to the Claims".

Claims 1 and 3 through 14 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,794,207 to Hunt.

Hunt discloses a molded, one-piece snap-on closure opening device that is integrally attached to and particularly adapted for use with one-piece plastic containers. The cap 7 is connected to the plastic container body 6 via tether 8. On the opposite side of the container, opening tab 16 is connected to cap 7 via thin reduced portion 18. Cap 7 is removed from the container body by exerting pressure on opening tab 16 in a direction down and away from the container, thus forcing cap 7 up, away from the container.

Claim 1 recites an easy open, reusable, removable closure apparatus for a container. The container has a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The closure apparatus has a cap portion having a top, a peripherally depending side wall comprising an inner surface that conforms to the bead outer surface and a radially inwardly extending peripheral lip that engages the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The cap portion has a handle depending from the cap portion. The handle has a fulcrum portion that abuts an outer surface of the container neck.

Claim 13 recites a method of opening a container using the easy open, reusable, removable closure apparatus for a container having a terminal end having an orifice and a

radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The reusable closure apparatus comprises a cap portion having a top, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The closure apparatus also comprises a handle depending from the cap portion. The handle further comprises an upper portion, a lower portion, and a fulcrum portion there between the upper and lower portions. The fulcrum portion abuts an outer surface of the container neck. The method comprises the steps of holding the container and the lower handle portion of the handle with at least one hand and depressing the lower handle portion toward the container until the peripheral lip disengages the bead undercut.

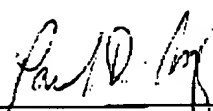
Claim 14 recites a method of reusing the easy open, reusable, removable closure apparatus for a container having a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The reusable closure apparatus comprises a cap portion having a top, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The reusable closure also comprises a handle depending from the cap portion. The handle further comprises an upper portion, a lower portion, and a fulcrum portion there between the upper and lower portions. The fulcrum portion abuts an outer surface of the container neck. The method of reusing the reusable closure apparatus comprises the steps of providing a container and pressing the cap portion of the easy open, reusable closure apparatus firmly down over the bead until the peripheral lip engages the bead undercut.

As discussed and agreed upon during the March 3, 2003 interview with the Examiner, claims 1, 13 and 14 have been amended to include the allowable subject matter recited in claim 9, namely the fulcrum portion abutting an outer surface of the container neck. As acknowledged during the interview by the Examiner, Hunt fails to disclose or suggest a closure apparatus that includes a handle with a fulcrum portion that abuts an outer surface of the container neck, as recited in claims 1, 13 and 14. To the contrary, to operate the closure in Hunt, the closure requires the use of two tabs, one on

the cap portion and one attached to the container portion. The two tabs must operate in unison to push the cap away from the top of the container. It is the intersection of the two tabs that forms the fulcrum in Hunt, as opposed to the claimed closure apparatus, where the fulcrum is created between the handle and the container itself.

Therefore, as acknowledged during the interview with the Examiner, Hunt fails to anticipate the invention recited in claims 1 and 3 through 14. As such, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection and passage of this application to allowance.

March 4, 2003



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